



Express Mail No. EL 989611558 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee et al.  
Serial No.: 10/788,836  
Filed: February 26, 2004  
For: ENERGY TRANSFER DYES WITH  
ENHANCED FLUORESCENCE

Docket No: 375461-002T1C4 (355315)  
Confirmation No.: 7978  
Group Art Unit: 1637  
Examiner: J. Riley

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION  
OVER A "PRIOR" PATENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The owner, Applera Corporation, of 100 % interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. 5,863,727 as the term of said prior patent is defined in 35 U.S.C. §§ 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321
- has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

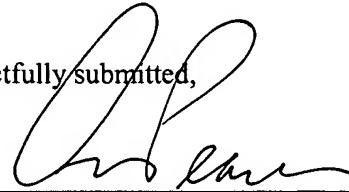
The undersigned is an attorney or agent of record.

The Commissioner is authorized to charge the Terminal Disclaimer fee under 37 CFR § 120(d) of \$130.00 (Large Entity) to Dechert Deposit Account No. 50-2778 (**Order No. 375461-002T1C4 (355315)**).

Date: July 31, 2006

**DECHERT LLP**  
**Customer No. 37509**  
Tel: 650.813.4800  
Fax: 650.813.4848

Respectfully submitted,



Ann M. Caviani Pease  
Reg. No. 42,067

12778084.BUSINESS